

REPORT OF THE COURT OF INQUIRY

General

Reference

1. The Court sat at Papakura Camp on 11-13 March 1981 and remained open in anticipation of a further report (paragraph below) until 3 Apr 81. Evidence was taken from four witnesses, and although two persons were involved in the inventory of kit taken in the Philippines, a statement was only taken from the one as s. 9(2)(a)

had already returned to his own unit and could have contributed no further information.

Place and Time of Accident

2. The accident occurred between 0500 and 0600 hours (approximately) on 26 Feb 81 on the ocean in the vicinity of Tabores Island, the Republic of Philippines.

First Witness

Who Was Killed

3. Of 24 persons killed in the accident two were New Zealand Servicemen. They were:

First Witness  
Exhibits A, D  
and E

J50163 WO2 R.D. Heywood  
D40897 Sgt D.M. Terry

Whether the Deceased were on Duty at the Time of the Accident

4. Both the deceased servicemen were on authorised duty at the time of the accident. They were involved in the final stages of a Special Forces Exercise.

First Witness

The Extent of any Loss of Public Property

5. The following items of public property carried by the deceased were lost as a result of the accident:

3rd Witness  
Exhibit B  
4th Witness

Sub machine gun 9mm Sterling	2
Knives Diving	2
Magazines 9mm SMG	4
Life Jackets RFD type	2
Blank Firing attachments SMG	2

Information Determining the Eligibility of  
Dependants for a Pension

6. The court having examined the Service records of the deceased can confirm that both were serving members of the Regular Force of the New Zealand Army. See also paragraphs 4 and 7.

Unit personal  
records

Whether the Deaths were attributable to  
Military Duty

7. It has been established that the deceased servicemen were on duty, exercising their service skills, whilst engaged in an authorised military exercise when the aircraft accident causing their death occurred.

First Witness

Other Relevant Information

8. The kit on issue to, and personal effects of the deceased servicemen were properly accounted for, inventories taken, and all items were disposed of correctly.

2nd, 3rd and  
4th Witnesses  
Exhibits F,G,  
H,I,J and K

Report by the United States Military  
Authorities

9. The court has established from unit correspondence that a Board of Inquiry was instituted by the United States Air Force on 26 Feb 81 at US Facility, Subic Bay, Republic of the Philippines. The members of the Board were:

President - s. 9(2)(a)

Medical  
Member -

At 31 Mar 81 the report of the board had not come to hand.

Recommendations by the Court

10. The court recommends that the deaths of WO2 R.D. Heywood and Sgt D.M. Terry are attributable to military duty.

11. In view of the facts at paragraph 9 and the uncertainty as to when the report by the USAF Board of Inquiry report will be made available it is recommended that these proceedings be accepted with <sup>out</sup> their report.

President s. 9(2)(a)

Member

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